

House Bill 668

By: Representatives Sheldon of the 105th, Coleman of the 97th, Cox of the 102nd, Carter of the 175th, Floyd of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to discipline of students in elementary and secondary education, so as to
3 authorize a local board of education to reassign a bullying student to another school to
4 separate the student from his or her victim; to provide for immediate notification of law
5 enforcement officials when a student commits an alleged physical assault or battery on
6 another student or on a teacher, school administrator, or other school personnel; to authorize
7 a hearing officer, tribunal, panel, superintendent, or local board of education to reassign a
8 student who has committed certain acts to another school to separate the student from his or
9 her victim; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
13 relating to discipline of students in elementary and secondary education, is amended by
14 revising subsection (b) of Code Section 20-2-751.4, relating to bullying, as follows:

15 "(b) Each local board of education shall adopt policies, applicable to students in grades six
16 through 12, that prohibit bullying of a student by another student and shall require such
17 prohibition to be included in the student code of conduct for middle and high schools in
18 that school system. Local board policies shall require that, upon a finding that a student
19 has committed the offense of bullying for the third time in a school year, such student shall
20 be assigned to an alternative school; provided, however, that a local board of education
21 shall be authorized at its sole discretion to assign a student that has committed any offense
22 of bullying to an alternative school or to a school outside the bully's attendance area at any
23 time for the purpose of separating the student from his or her victim. Each local board of
24 education shall ensure that students and parents of students are notified of the prohibition
25 against bullying, and the penalties for violating the prohibition, by posting such

26 information at each middle and high school and by including such information in student
27 and parent handbooks."

28 **SECTION 2.**

29 Said part is further amended by revising Code Section 20-2-756, relating to reports to law
30 enforcement officials, as follows:

31 "20-2-756.

32 (a) The school administration, disciplinary hearing officer, panel, tribunal of school
33 officials, or the local board of education may, when any alleged criminal action by a
34 student occurs, report the incident to the appropriate law enforcement agency or officer for
35 investigation to determine if criminal charges or delinquent proceedings should be initiated.
36 The school administration shall immediately notify the appropriate law enforcement
37 agency when a student has allegedly committed a physical assault or battery of another
38 student or of a teacher, school administrator, or other school personnel.

39 (b) No individual reporting any incident under this subpart to a law enforcement agency
40 or officer shall be subject to any action for malicious prosecution, malicious abuse of
41 process, or malicious use of process."

42 **SECTION 3.**

43 Said part is further amended by revising Code Section 20-2-768, relating to expulsion or
44 suspension of students for felonies, as follows:

45 "20-2-768.

46 (a) Each local board of education is authorized to refuse to readmit or enroll any student
47 who has been suspended or expelled for being convicted of, being adjudicated to have
48 committed, being indicted for, or having information filed for the commission of any
49 felony or any delinquent act under Code Section 15-11-28 which would be a felony if
50 committed by an adult. If refused readmission or enrollment, the student or the student's
51 parent or legal guardian has the right to request a hearing pursuant to the procedures
52 provided for in Code Section 20-2-754.

53 (b) A hearing officer, tribunal, panel, superintendent, or local board of education shall be
54 authorized to place a student denied enrollment in a local school system under subsection
55 (a) of this Code section in an alternative educational system as appropriate and in the best
56 interest of the student and the education of other students within the school system or in a
57 school outside the student's attendance area for the purpose of separating the student from
58 another student in the event that such other student was the victim of the felony or
59 delinquent act referenced in subsection (a) of this Code section.

60 (c) It is the policy of this state that it is preferable to reassign disruptive students to
61 alternative educational settings rather than to suspend or expel such students from school."

62 **SECTION 4.**

63 All laws and parts of laws in conflict with this Act are repealed.